

UNITED STATES COURT FOR THE DISTRICT OF PUERTO RICO  
BEFORE HONORABLE DANIEL R. DOMINGUEZ

MINUTES OF PROCEEDINGS

DATE: November 21, 2002.

CIVIL NO. 97-2331 (DRD)

LAW CLERK: Marta L. Rivera-Ruiz

METROPOLITAN LIFE,  
Plaintiff,

Attorneys: Jesus Cuza-Abdala  
Harold Vicente

v.

NAT'L COMMUNICATIONS,  
et als.,  
Defendants.

Juan Marchand-Quintero  
Freddie Perez-Gonzalez  
Manuel San Juan  
Jose Axtmeyer

A Settlement Conference was held again today. It began at 4:50 P.M. and ended at 7:00 P.M. Parties advised the Court as to the status of the case. The Court attempted to aid the parties in reaching a settlement. Settlement was discussed. However, even though parties agree upon the specific amount of money that they are willing to settle the case for (\$750,000.00, each co-defendant being responsible for \$250,000.00), there's some dispute regarding Plaintiff's counteroffer (i.e., said party's request for warranties), and as to the terms that should be given to defendants to pay off said transaction offer.

The Court was advised that defendants structured a payment plan, whereas co-defendants Hertell and Miller will pay off their part within a year after the case is settled. However, co-defendant Axtmeyer will further need to prepare an adjusted payment schedule, detailing any penalty for non-payment (i.e. penalty clause or self-execution over a predetermined asset). The Court provided co-defendant Axtmeyer until December 5, 2002, to notify the Court and plaintiff of his proposal .

A **FINAL SETTLEMENT CONFERENCE** shall be held in Chambers, on December 16, 2002, at 6:00 p.m., in order to discuss said proposal, and any other issue regarding Hertell's and Miller's payment terms. The Court is to make the last and final effort to settle the case. Therefore, all **PRINCIPALS must be available either in Court or via telephone during the conference.**

Should settlement not be attained, the case will be scheduled for trial and the Court will proceed to attend the issue regarding Goldman, Antonetti & Cordova's request concerning the recusal finding of the Court. Said law firm will then have thirty (30) days to complete discovery as to their request. A **DISQUALIFICATION HEARING** is tentatively scheduled to be held on January 15, 2003.

**IT IS SO ORDERED.**



**DANIEL R. DOMINGUEZ**  
**U.S. DISTRICT JUDGE**

s/c: Parties to be **immediately** notified by mail, **telephone and fax.**

327 m